Competition Bureau Canada | Bureau de la concurrence Canada

THE COMPETITION BUREAU OF CANADA

2015–2016 **ANNUAL PLAN**

PROTECTING AND PROMOTING COMPETITION
FOR THE BENEFIT OF ALL CANADIANS

Canada

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WE ARE CANADA'S COMPETITION BUREAU

The Competition Bureau's (the Bureau) legislated mandate is to help the Canadian marketplace be more competitive and innovative for the benefit of Canadian businesses and consumers. We are committed to doing so through all means available, from law **enforcement** to competition **promotion**.

Our responsibilities

Headed by the Commissioner of Competition, the Bureau administers and enforces the *Competition Act*, including provisions enacted by Canada's Anti-Spam Legislation (CASL), as well as the *Consumer Packaging and Labelling Act* (except as it relates to food), the *Precious Metals Marking Act* and the *Textile Labelling Act*.

Guiding principles

Vision

To be among the leading competition agencies in the world; one that is open, transparent, collaborative and effective; one that vigorously enforces the law, promoting competition to support ongoing economic development and provide Canadians with the benefits of a competitive and innovative marketplace.

Mission

To promote and protect competition, the Bureau will administer and enforce our legislation with fairness and predictability, to:

- prevent and deter anti-competitive behaviour and deceptive marketing practices;
- review mergers and seek to ensure they do not harm competition; and
- empower consumers and businesses.

Our core values

Openness and transparency

We engage with our stakeholders through a wide range of new and existing means of communication to dialogue and share information, and to explain to Canadians and our partners the benefits of competition for consumers, businesses and the development of the Canadian economy.

Collaboration

We work with our partners to advance competition and to promote a marketplace that is functioning efficiently.

Integrity and fairness

We act with integrity and fairness and in the public interest at all times. This requires a principle-based approach to enforcing and administering the *Competition Act* and labelling statutes. Our decisions are based on facts, evidence and sound judgement. We are committed to protecting the confidentiality of sensitive information.

Respect

We interact honestly and respectfully with our colleagues, partners and all Canadians — recognizing their diversity and their individual contributions to healthy competition.

Leadership

We show leadership through our actions, strategic approach and commitment to continuous innovation.

MESSAGE FROM THE COMMISSIONER

PROTECTING AND PROMOTING COMPETITION FOR THE BENEFIT OF ALL CANADIANS

A healthy marketplace is a dynamic marketplace — one that allows new ideas and opportunities to thrive, fueled by emerging technologies and innovative thinking.

The Bureau is committed to protecting and promoting competition in consideration of the ever-evolving marketplace — maintaining and encouraging greater competition is a key contributor to ongoing economic growth and development in Canada.

The Bureau's 2015–2018 Strategic Vision identifies five objectives that will guide our work over the next three years: increase compliance, empower Canadians, promote competition, collaborate with partners, and champion excellence. This Annual Plan sets out the activities through which the Bureau will deliver on each of these objectives during the 2015–2016 fiscal year.

Our newly realigned organizational structure will enhance our work in all of these areas, allowing us to make the most of our resources as we work to bring Canadians the benefits of a competitive marketplace through both enforcement and competition promotion.

The 2015–2016 Annual Plan is our roadmap as we pursue our overarching aim to be a Bureau that is more collaborative, open, transparent and effective to better serve Canadians.

Sincerely,

John Pecman
Commissioner of Competition

1. Increase Compliance

Use all available tools to increase compliance with Canada's competition laws, and prevent and deter anti-competitive or deceptive conduct that could threaten the health, growth and confidence in the Canadian economy.

We will seek to achieve greater levels of compliance by:

- Continuing to pursue strong and focussed enforcement of the legislation we administer
- Promoting and encouraging voluntary compliance
- Aligning our enforcement and promotion efforts in mutually reinforcing and complementary ways

This year we will refresh our approach to how we use the variety of tools at our disposal to increase compliance with our legislation by adopting a *Competition and Compliance Framework*. This Framework will set out the various outreach, enforcement and advocacy tools we use to address instances of non-compliance with our legislation and our enforcement approach. Where and when it is necessary to achieve compliance, we will not hesitate to vigorously enforce our legislation, including by litigating; however, we will — by applying our discretion — attempt to resolve non-compliance by suasion or by working with businesses. In all instances, we will be seeking appropriate remedies for cartels, anti-competitive conduct and mergers, and false or misleading representations.

We will also refresh our *Corporate Compliance Programs* Bulletin and establish a Compliance Unit that will promote voluntary compliance and encourage businesses to establish credible and effective competition compliance programs. This will be supported by our continued effort to clarify expectations through comprehensible, accessible guidance documents.

Lastly, to achieve greater outcomes for Canadians we will use competition enforcement and promotion strategically and in complementary ways.

More specifically, we will...

- Continue effective and integrated enforcement and administration of our legislation through the full use of the *Competition and Compliance Framework*
- Engage with the procurement community to increase awareness of bid rigging and other cartel conduct and its consequences
- Deploy technical infrastructure and provide advice on IT-related strategies to support compliance with CASL
- Refresh the *Corporate Compliance Programs* Bulletin to promote the adoption of credible and effective competition compliance programs
- Provide stakeholders with accurate and up-to-date guidance by consulting on the advancement and updates of documents such as the *Intellectual Property Enforcement Guidelines*

2. Empower Canadians

Create an environment of competitive prices, greater product choice and informed decision-making for the benefit of all Canadians.

In 2015–2016, we will continue to place Canadians at the centre of everything we do. We will endeavour to create a competitive environment: one where Canadians can enjoy competitive prices, more choices and greater innovation; where they can make informed decisions and where they have the right information to protect themselves from deceptive marketing practices. Over the coming year, we will seek to empower Canadians by:

- Focusing on matters that are important to Canadians
- Increasing our outreach to the public and to Canadian businesses
- Implementing the *Price Transparency Act*, should it be enacted by Parliament

In our pursuit of greater levels of compliance with our legislation, we will continue to address and deter the most serious forms of anti-competitive and deceptive conducts affecting consumers. Our objective is to seek timely, efficient outcomes for Canadians that will inform not only what we do, but also how we do it. For example, over the coming year, we will continue to cooperate and collaborate with consumer protection agencies to act against fraudulent and deceptive advertising in the online and mobile markets. We will conduct research into emerging issues of competition law, economic policy and deceptive conduct to be better positioned to deal with new issues affecting consumers.

We will also extend our outreach to the public and to Canadian businesses to raise awareness of fraudulent and deceptive conduct so that consumers and businesses are better equipped to protect themselves. Specifically, we will make greater use of social media and increase our online presence on platforms such as YouTube and Twitter. Our outreach efforts will also include our ongoing leadership of Fraud Prevention Month, Anti-Cartel Day and other campaigns. Our goal will be to empower consumers — through targeted information and outreach activities — to make informed decisions and protect their interests before and after purchases.

Subject to parliamentary approval of the *Price Transparency Act*, we will implement legislation and increase awareness of our work in this area through consumer education and outreach.

More specifically, we will...

- Pursue consumer-focused enforcement through a wide variety of tools in our *Competition and Compliance Framework* to assist consumers by preventing and deterring:
  - Cartels
  - Anti-competitive conduct and mergers
  - Deceptive marketing practices
- Conduct research on emerging issues in competition law, economic policy and deceptive conduct, with the goal being to identify matters that have the highest potential to affect consumers and then prioritize assignment of adequate resources
- Promote awareness through outreach activities, including:
  - Presentations to consumer groups, partners and the legal and business communities to promote the Bureau's mandate
  - Developing and delivering an anti-fraud public awareness campaign for Fraud Prevention Month 2016
  - Increasing visibility and public access to the Bureau's information videos and other educational materials through outreach and social media

3. Promote Competition

Promote and advocate for a more competitive marketplace, emphasizing smart regulation focused on achieving legitimate regulatory objectives.

Using all of the tools at our disposal to promote compliance with our legislation, we will work with policy-makers to promote and advocate for the benefits of a competitive marketplace and the adoption of pro-competition positions and policies. Over the coming year, we will continue to place a strong emphasis on targeted promotion and advocacy work in the name of competition by:

- Increasing our visibility and influence
- Pursuing strategic advocacy initiatives
- Shaping the public policy debate on matters of competition policy and practices

Our work this year will focus on connecting with a broader set of stakeholders — affirming our role as a credible, strong voice on competition matters. We will leverage resources by working with domestic partners and stakeholder groups to reach a broader audience and to deliver on our mandate more efficiently and effectively.

We will pursue strategic advocacy initiatives, intervening in regulatory proceedings and providing advice on competition policy to governments to advocate for the incorporation of competition considerations in their decision-making process.

We will undertake market studies in key regulated sectors, and will work with Industry Canada to promote the continued adoption of strong competition policy as a cornerstone of Canada's economic development approach.

More specifically, we will...

- Develop a proactive advocacy strategy to highlight impediments to competition, which will include:
  - Completing at least two market studies in regulated sectors of importance to the national economy
  - Intervening in regulatory proceedings and providing advice to governments where necessary
- Collaborate with Canada's provincial and territorial governments and other key domestic partners to identify and analyze regulated sectors that could benefit from increased competition
- Develop and release guidance to address the interface between intellectual property and competition law

4. Collaborate with Partners

Collaborate with domestic and international partners to promote strong competition principles and expand opportunities for Canadian participation in world markets.

In 2015–2016, we will work with our partners to promote competitive markets for Canadians. To achieve this, we will:

- Engage with antitrust agencies through case cooperation and bilateral meetings
- Promote convergence on competition laws and policies through active participation in key fora
- Support the Government of Canada's trade agenda

By strengthening our network of international partners, we will work to address anti-competitive activity that crosses borders. Cooperation instruments, such as Memoranda of Understanding (MOUs), will maximize our efforts to address anti-competitive activity in emerging markets by providing the framework for information sharing, enforcement cooperation and collaboration.

We will raise our voice on important issues shaping the international discussion on competition and consumer matters through active participation in international fora, such as the International Competition Network (ICN), the Organisation for Economic Co-operation and Development (OECD), the International Consumer Protection and Enforcement Network (ICPEN), and the London Action Plan (LAP).

We will continue to support the Government of Canada's trade agenda, promoting healthy competition and collaboration with international partners. Our negotiations of competition policy chapters in free trade agreements will support an integrated enforcement model that establishes efficient and common competition enforcement practices across international jurisdictions — ensuring Canadian businesses can be more competitive in the global economy.

More specifically, we will...

- Finalize and sign MOUs with competition authorities in emerging markets to develop stronger working relationships on enforcement matters
- Increase collaboration with other government departments, law enforcement partners and through domestic and international partnerships
- Deepen existing relationships related to enforcement cooperation in international fora, including:
  - Continuing a leadership role on the ICN Merger Working Group
  - Continuing to participate in ICN Working Group activities
  - Providing ongoing support to the OECD through knowledge exchange
  - Advancing our priorities at the OECD through submissions on important issues
- Enhance international engagement with consumer protection agencies such as ICPEN and private-sector groups
- Pursue second generation agreements to deepen cooperation with existing partners

5. Champion Excellence

Promote a culture of excellence throughout the Bureau founded on openness, collaboration and engagement, and securing tangible results.

Over the course of the year, we will build on our recent realignment efforts and ensure we remain a flexible organization that is well prepared for the expectations of a changing world. We will promote a culture of excellence throughout the Bureau by:

- Continuing to be collaborative and strategic in our planning and activities in order to make the most of all our resources
- Strengthening our capacity through sound talent management, including training and performance management
- Establishing a respectful, healthy and inclusive workplace
- Continuing to improve our internal management to be consistent with departmental and government-wide initiatives

This coming year, we will work towards ensuring our employees have the skills and competencies they need to do their jobs now and into the future through a coordinated and comprehensive approach to talent management. We will also promote increased employee engagement and collaboration throughout the Bureau by using new and innovative internal communication tools.

Through good planning, performance measurement practices and sound stewardship, we will show Canadians the impact of our work has on the Canadian marketplace. We will improve our internal management practices to ensure our service delivery is consistent with departmental and government initiatives related to improving the management of government and to promoting a respectful, healthy, and inclusive workplace.

More specifically, we will...

- Complete the implementation of our realignment and new governance structure
- Develop a Talent Management Framework
- Respond to the Public Service Employee Survey
- Promote a respectful, healthy and inclusive workplace
- Support and contribute to the implementation of departmental and government-wide initiatives related to information technology, information management, finance and human resources

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